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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,926	01/29/2002	Shogo Yamaguchi	218865US2RD	3726
22850	7590	10/14/2004	EXAMINER	
OBLOON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DETWILER, BRIAN J	
		ART UNIT	PAPER NUMBER	
		2173		

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/057,926	YAMAGUCHI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Brian J. Detwiler	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-7, 9, 11-14, 16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,437,786 (Yasukawa).

Referring to claims 1, 7, 13, and 14, Yasukawa discloses in column 2: lines 44-67 through column 3: lines 1-17 apparatuses for transmitting and receiving image files to be displayed during a presentation. In column 9: lines 23-55, Yasukawa further discloses a storage device (RAM [6]) configured to store image files received from a transmitting side apparatus (Web server) operated by a speaker. In column 10: lines 1-12, Yasukawa still further discloses the software for controlling and monitoring the transfer of image files from the transmitting apparatus to the receiving apparatus. Said software corresponds to the claimed monitoring unit and storing state changing unit. More specifically, Yasukawa discloses in column 13: lines 11-29 that the controller [61] first checks the capacity of the empty space when images are to be downloaded. If there is insufficient space to hold all of the downloadable image data, the storing state of the image data presently stored in RAM [6] is changed so as to make room for the downloadable image data.

Referring to claims 3, 9, and 16, as discussed above, Yasukawa discloses in column 13: lines 11-29 that the controller [61] first checks the capacity of the empty space when images are to be downloaded.

Referring to claims 5, 11, and 18, Yasukawa discloses in column 13: lines 11-29 that the storing state changing unit changes the storing state of the image files by detecting and deleting unnecessary image files.

Referring to claims 6, 12, and 19, Yasukawa discloses in column 13: lines 11-29 that the storing state changing unit changes the storing state of the image files by detecting and deleting unnecessary image files. While Yasukawa is silent as to how unnecessary data is defined, the system must inherently process at least one attribute of the unnecessary data files in order to determine that they are indeed unnecessary.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,437,786 (Yasukawa) as applied to claims 1, 7, and 14 above, and further in view of Japanese Patent No. 5-216885 (Iwamoto).

Yasukawa discloses the limitations of claims 1, 7, and 14 as discussed above but fails to disclose notifying the transmitting apparatus when the storing state changing unit changes the

storing states of images files in the storage device. Iwamoto, though, discloses in the English abstract means for notifying the transmitting apparatus of changes to the storing states of documents stored in a storage device. This proves beneficial because the transmitting apparatus may be waiting for a response from the receiving apparatus to know that there is sufficient space to store the documents. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the transmitting apparatus of changes to the storing states of documents stored in the storage device as taught by Iwamoto in combination with the teachings of Yasukawa because the transmitting apparatus would benefit from knowing when there is sufficient space to transmit the image files.

Claims 4, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,437,786 (Yasukawa) as applied to claims 3, 9, and 16 above, and further in view of U.S. Patent No. 5,987,323 (Huotari).

Yasukawa discloses the limitations of claims 3, 9, and 16 as discussed above but fails to disclose that the transmitting apparatus is notified of information indicating the vacant capacity in the storage device. Huotari, though, discloses in column 7: lines 61-67 through column 8: lines 1-8 a system in which transmitting apparatus is waiting to send a message to a receiving apparatus. The transmitting apparatus only sends the message to the receiving apparatus after it receives a Memory Capacity Available message. This procedure ensures that no messages will be transmitted to the receiving apparatus when there is insufficient space and thus become corrupted or lost. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the transmitting apparatus of information indicating

the vacant capacity in the storage device as taught by Huotari in combination with the teachings of Yasukawa because it would have been beneficial to verify the capacity status with the transmitting unit to prevent loss or corruption of data.

***Conclusion***

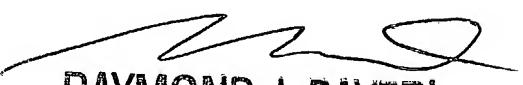
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach alternative storage management strategies and systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 703-305-3986. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**